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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,160	03/26/2004	Eric Joseph Bilskie	9596	1981
27752	7590	07/31/2008		
THE PROCTER & GAMBLE COMPANY			EXAMINER	
Global Legal Department - IP			PETERSON, KENNETH E	
Sycamore Building - 4th Floor				
299 East Sixth Street			ART UNIT	
CINCINNATI, OH 45202			PAPER NUMBER	
			3724	
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			07/31/2008	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,160

Applicant(s)

BILSKIE ET AL.

Examiner

Kenneth Peterson

Art Unit

3724

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2,8,10,15,17 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,11-14,16,18,19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3-7,9,11-14,16,18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable under McCay (4,506,575) in view of Esping (6,761,098).

McCay et al.'575 shows a core slabber with most of the recited limitation including a cutter (30) mounted on an axial traversing element (23,31), which in turn is mounted on a radial traversing element (11). The feeler 80 constitutes a controller that determines a maximum depth of cut (paragraph spanning columns 3 and 4).

McCay lacks an integral transport element with two engaging portions, but it is well known in the art to employ an integral transport element, as taught by Esping et al.'098, who shows in figure 2 a pair of engagement pins (18) for transporting the roll upward to the slabbing position (lines 28-30, column 2). It would have been obvious to one of ordinary skill in the art to have modified McCay by *replacing* his roll support with Esping's integral transport/roll-support element, as taught by Esping, in order to facilitate lifting the heavy roll into the slabbing position.

The "feed section" is below the roll in McCay's figure 2. The pins 18 lift the roll from the "feed section" up to the slabbing position.

The "discharge section" can be any spot nearby McCay's machine. The roll "may be conveyed" to the discharge section. Note that Applicant has claimed no structure for performing this task. It could be rolled there manually.

The "material removal section" is wherever the conveyor takes the material (lines 33,34, column 2).

3. Claims 1,3-5,9,11,12,16 are rejected under 35 U.S.C. 103(a) as being unpatentable under Pyron et al. (5,759,350) in view of Pienta (5,308,217).

Pyron shows a core slabber with most of the recited limitation including a cutter (12) mounted on an axial traversing element (164,180) and a radial traversing element (145,150). The sensor (lines 5-7, column 6) constitutes a controller that determines a maximum depth of cut.

On lines 39-43 of column 5, Pyron discusses transporting the core from one apparatus onto the core slabbing apparatus, but Pyron does not disclose any detail of this transporting mechanism and whether or not it has any core engaging portions. However, Pienta shows that it is well known in the art to employ a transport element having core engaging portions when one needs to move large rolls of material from one apparatus to the next (lines 43-45, column 1).

It would have been obvious to one of ordinary skill in the art to have provided Pyron with Pienta's transport element, in order to facilitate lifting the heavy roll into the slabbing position. Pyron clearly needs some mechanism to do this, and Pienta suggests himself on lines 43-45 of column 1.

The "feed section" is where the roll came from.

The "discharge section" is wherever the roll goes after it is stripped. The roll "may be conveyed" to the discharge section. Note that Applicant has claimed no structure for performing this task. It could be rolled there manually.

The "material removal section" is 25 or wherever the material goes.

In regards to claim 16, there is the recitation that the transporting element be "integral" with the slabbing apparatus. The choice of whether or not to make Pienta's transporting element integral or separable with Pyron's core slabber is a decision that can be made by one of ordinary skill in the art based on whether or not the transporting element is needed exclusively for this function, or if it might be needed elsewhere as well.

Another way of looking at this is to modify Pienta in view of Pyron. If one needed to remove the paper from Pienta's roll, one would need merely add the cutter from Pyron's figure 2.

4. Claims 1,3-7,9,11-14,16,18,19 are rejected under 35 U.S.C. 103(a) as being unpatentable under Pyron et al. (5,759,350) in view of Pienta (5,308,217), as set forth above, and further in view of McCay (4,506,575).

In regards to at least claims 6,7,13,14,18 and 19, Pyron's cutter is mounted on the radial elements and *then* on the axial element, as opposed to vise versa. Of course, this works either way as exemplified by McCay. It would have been obvious to one of ordinary skill in the art to have modified Pyron by making the cutter be mounted on the

axial element, and *then* on the radial element, as taught by McCay, as this is just one out of two possible ways to movable mount the cutter.

This modification is unnecessary, but in regards to all the claims, Pyron shows a sensor (lines 5-7, column 6) that constitutes a controller that determines a maximum depth of cut. However, there are many ways to do this, and McCay shows a different way, namely there is a feeler 80 that constitutes a controller that determines a maximum depth of cut (paragraph spanning columns 3 and 4). It would have been obvious to one of ordinary skill in the art to have replaced Pyron's controller with McCay's controller, since they are art recognized equivalents known for the same purpose.

5. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues the McCay in view of Esping rejection. Once again, Examiner is under the impression that Applicant has not carefully read the Examiner's action. Esping's integral transport element (pins 18) is not being *added* to McCay's tube 18, but is instead *replacing* McCay's tube. The motivation for making this replacement is to provide a mechanism to lift the roll off the floor, which is something that McCay currently lacks.

Applicant argues against the Pyron in view of Pienta rejection, stating that Pyron's roll of material has a solid core that could not be used in conjunction with the core engaging inserts of Pienta.

As seen in Pyron and Pienta, and in all the other art of record, rolls of material comes in two varieties, those with solid cores, and those with hollow cores. To take

advantage of Pienta's loading system, Pyron would have to switch from the solid core type to the hollow core type. Making this switch would not be an impediment to obviousness because these are art recognized equivalent ways of doing the same thing.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Peterson whose telephone number is (571)272-4512. The examiner can normally be reached on Monday-Thursday, 7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth Peterson/
Primary Examiner, Art Unit 3724